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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 09/745,305   | 12/21/2000  | Peter Tavernese JR.  | NTL-3.2.149/3550<br>(12767HU) | 2060             |
| 7590 10/13/2006  |             |                      | EXAMINER                      |                  |
| Mintz, Levin, Cohn, Ferris, Glovsky & Popeo P.C.<br>666 Third Avenue<br>24th Floor<br>New York, NY 10017 |             |                      | NGUYEN, QUYNH H               |                  |
|  |             |                      | ART UNIT                      | PAPER NUMBER     |
|  |             |                      | 2614                          |                  |

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/745,305

Applicant(s)

TAVERNESE, PETER

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 7/20/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.
2. Applicant's amendment filed 7/20/06 has been entered. Claim 1 has been amended. No claims have been cancelled. No claims have been added. Claims 1 and 3-29 are still pending in this application, with claims 1, 16, 27, and 28 being independent.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1 and 3-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent 5,884,032) in view of Wolff et al. (U.S. Patent 5,327,486).

Regarding claim 1, Bateman et al. teach a customer service response system (CSRS) (Fig. 1, 24) capable of responding to an incoming call from a calling party (Fig. 1, 8) by playing a message to the calling party (col. 9, lines 33-35 - *where Bateman discussed IVR play greeting message to calling party*); a graphical user interface (Fig. 1, *workstation* 18; col. 5, lines 26-27) electrically coupled to the CSRS and configured to received and display information from the CSRS originates from the calling party (col. 8, lines 62-65; col. 9, lines 10-12; col. 5, lines 35-36; col. 6, lines 25-27 and lines 31-32 - *where Bateman discussed computer 18 capable of supporting a graphical browser that*

*coupled to the call center 24 ("CSRS") which handles request originates from customers ("calling party").*

Bateman et al. do not specifically teach via a soft-key or graphical button of the GUI is configured to selective initiate another message being sent from the CSRS to the calling party.

However, since customers and agents can communicate using e-mail (col. 7, lines 16-20), it would have been obvious that an agent from the ACD may easily initiate another message and click the send button to send to the calling party. This feature is notoriously well known in the art of ACDs. The feature of using a soft-key or graphical button on the GUI to initiate a message being sent from the CSRS to the calling party is taught by Wolff (abstract; col. 4, line 55 through col. 5, line 12).

Regarding claims 3-4 and 17-19, Bateman et al. teach the GUI displays messages from the CSRS to the calling party and at least one of a plurality of messages is customizable (col. 9, lines 33-35). For example, the IVR greets caller by playing "good morning", "please hold for the next available agent", or "if you would like a call back, please leave a call back number and best time to call". Wolff et al. teaches displaying messages from the CSRS to the calling party and at least one of a plurality of messages is customizable (col. 4, lines 55-60).

Regarding claims 5 and 6 Wolff et al. teach the CSRS includes a voice recognition program that is capable of converting voice signals in text messages (col. 9, lines 5-22) and text messages into voice signal (col. 5, lines 4-6).

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Regarding claims 7 and 22, Bateman et al. do not teach the GUI provides an option for bypassing the CSRS. It would have been obvious to one of ordinary skill in the art to give customer/caller the option to bypass the CSRS to a regular telephone in case the caller does not wish to communicate with the agent via an interactive graphical display device.

Regarding claim 8, Bateman et al. teach the CSRS is an adjunct to a telephone (Fig. 1).

Regarding claims 9 and 23, Bateman et al. teach the CSRS is capable of responding and playing a message to a plurality of incoming calls from calling parties (col. 9, lines 33-48).

Regarding claims 10-13, 20, 21, and 24 Bateman et al. teach the CSRS is configured to receive voice, text, and multimedia messages (col. 10, lines 31-37).

Regarding claims 14 and 25, Bateman et al. teach the CSRS is capable of accessing a remote computer system (Fig. 10, customer site 210 is remote from agent site).

Regarding claims 15 and 26, it would have been obvious that after receive calling party's information, an agent realizes that he or she should transfer the calling party to another agent with specific skills that could be better serve the customer, then this agent transfer the calling party to the skilled agent. This feature is notoriously well known in the art of ACDs and the advantage of using it is also well known and taught by Wolff (Fig. 2, 29 & 31).

Claim 16 is rejected for the same reasons as discussed above with respect to claim 1.

Claim 27 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Bateman et al. teach the call system response means for receiving information from a plurality of telephone calls (Fig. 9, plurality of customers).

Claim 28 is rejected for the same reasons as discussed above with respect to claims 1 and 5.

Regarding claim 29, Wolff et al. teach the GUI means configured to display a plurality of messages, each selectable by a graphical button or a soft-key sent from the CSR to the calling party (col. 5, lines 1-12; col. 6, lines 6-31).

### ***Response to Arguments***

4. Applicant's arguments filed 7/20/06 have been fully considered but they are not persuasive.

Applicant mainly argues that Bateman does not teach a GUI that is electrically coupled to the CSRS and configured to receive and display information from the CSRS originates from the calling party (remarks, page 8). Examiner respectfully disagrees. Bateman teaches a graphical user interface (Fig. 1, *workstation* 18; col. 5, lines 26-27) electrically coupled to the CSRS and configured to receive and display information from the CSRS originates from the calling party (col. 5, lines 35-36; col. 6, lines 25-27 and lines 31-32 - *where Bateman discussed computer 18 capable of supporting a graphical browser that coupled to the call center 24 ("CSRS") which handles request originates*

*from customers ("calling party")*). Applicant further argues that instead, Bateman teaches a method of managing the integration or connection of customers using various services (WWW servers, voice-mail, interactive voice response ("IVE"), email, etc.) to an automatic call distribution call center agent; a multimedia message manager that allows the agent or supervisor to scan large volumes of voice-meal messages, email messages, WWW form request... This is irrelevant.

Applicant argues that Wolff's system obtains calling party information from its own databases rather than obtaining from the calling party; and having a GUI is configured to selective initiate another message being sent from the CSRS to the calling party (remarks, page 9). Examiner respectfully disagrees. As discussed above with respect to the Bateman reference, Examiner relies on Bateman that teaches teach a GUI that is electrically coupled to the CSRS and configured to receive and display information from the CSRS originates from the calling party. The secondary reference Wolff teaches another message being sent to the calling party (see the last two lines of abstract; col. 5, lines 1-2).

Applicant argues that there is no motivation to combine Bateman and Wolff (remarks, page 10). Examiner respectfully disagrees. Bateman belongs to class 379 (Telephonic Communications), subclass 265.02, 265.09, 266.01, and 309. Wolff also belongs to class 379, subclass 93.23. As discussed above, the combination of the two references teach the claims invention.

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.



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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn

*Quynh H. Nguyen*  
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October 12, 2006